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5 **LAVELY & SINGER**

6 **PROFESSIONAL CORPORATION**

7 2049 Century Park East, Suite 2400

8 Los Angeles, California 90067-2906

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10 Facsimile: (310) 556-3615

11 Attorneys for Plaintiff and Counterdefendant

12 **GRUMPY CAT LIMITED**

13 **UNITED STATES DISTRICT COURT**

14 **CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION**

15 GRUMPY CAT LIMITED, an Ohio  
16 Limited Liability Entity,

17 Plaintiff,

18 vs.

19 GRENADE BEVERAGE LLC, a  
20 California Limited Liability Company;  
21 PAUL SANDFORD, an individual;  
22 NICK SANDFORD, an individual; and  
23 DOES 1-50,

24 Defendants.

25 PAUL SANDFORD, an individual;  
26 NICK SANDFORD, an individual; and  
27 GRUMPY BEVERAGE, LLC, a Texas  
28 Limited Liability Company,

Counterclaimants,

vs.

GRUMPY CAT LIMITED, an Ohio  
Limited Liability Entity; and ROES 1-5,

Counterdefendants.

Case No: 8:15-cv-02063-DOC-DFM

**PLAINTIFF GRUMPY CAT  
LIMITED'S MOTION FOR  
DISCRETIONARY COSTS;  
DECLARATION OF JAKE A.  
CAMARA**

**[Proposed Order filed concurrently  
herewith]**

Date: July 23, 2018

Time: 8:30 A.M.

Crtroom: 9D

Case filed: December 11, 2015

FPTC: December 18, 2017

8:30am

Trial date: January 16, 2018

Judge: Hon. David O. Carter

1 **TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD**  
2 **HEREIN:**

3 **PLEASE TAKE NOTICE** that, on July 23, 2018 at 8:30 a.m. or as soon  
4 thereafter as this matter may be heard by the above-entitled Court, in Courtroom 9D  
5 of the United States District Court for the Central District of California, located at  
6 411 West Fourth Street, Room 1053 Santa Ana, CA 92701-4516, Plaintiff and  
7 Counter-defendant Grumpy Cat Limited ("Plaintiff") will and hereby does move this  
8 court for an award of discretionary costs in the amount of \$25,036.

9 This motion is made pursuant to Central District of California Local Rule 54-  
10 3.12.

11 This Motion is timely pursuant to FRCP 54, as it is filed within fourteen (14)  
12 days after entry of Judgment.

13 This Motion is based upon this Notice of Motion and Motion, the attached  
14 Memorandum of Points and Authorities, exhibits, all records, pleadings and papers  
15 on file herein, and upon such further oral argument and/or documentary evidence as  
16 may be presented prior to or at the hearing on this Motion.

17  
18 Respectfully submitted,

19 Dated: June 22, 2018

LAVELY & SINGER

20  
21 By: /s/ Jake A. Camara  
22 **JAKE A. CAMARA**  
23 Attorneys for Plaintiff and  
24 Counterdefendant  
25 **GRUMPY CAT LIMITED**  
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**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. INTRODUCTION**

Pursuant to Local Rule 54-3.12, Plaintiff Grumpy Cat Limited ("Plaintiff") respectfully moves for an order awarding Plaintiff its trial graphics costs in the amount of \$25,036.

**II. THE COSTS WERE REASONABLY NECESSARY**

Pursuant to Local Rule 54-3.12, upon the order of the Court, the following items may be taxed as costs:

- (a) Summaries, computations, polls, surveys, statistical comparisons, maps, charts, diagrams, and other visual aids reasonably necessary to assist the jury or the Court in understanding the issues at the trial;
- (b) Photographs, if admitted in evidence or attached to documents necessarily filed and served upon the opposing party; and
- (c) The cost of models.

As the Court is well aware, the services and expertise of Mr. Dave Botwin of Litigations Illustrated were *instrumental* to presenting complex copyright, trademark, and breach of contract issues in a way to assist the Jury in understanding the issues at trial.

As detailed in the invoice attached hereto as Exhibit "A," Mr. Botwin's services included but were not limited to (a) creating charts and diagrams of Plaintiff's intellectual property; (b) creating visual aids and demonstrative series for use during witness testimony and opening and closing statements, (c) creation of trial exhibits; and (d) attending trial and presenting graphics, models, exhibits, and other visual aids to the Jury in real time.

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1 **III. CONCLUSION**

2 For the foregoing reasons, Plaintiff respectfully requests that the Court grant  
3 Plaintiff's motion in its entirety and award Plaintiff discretionary costs in the amount  
4 of \$25,036 in this action.

5  
6 Dated: June 22, 2018

Respectfully submitted,

7 LAVELY & SINGER  
8 David B. Jonelis  
9 Jake A. Camara

10 By: /s/ Jake A. Camara  
11 Jake A. Camara

12 Attorneys for Plaintiff and Counter-Defendant  
13 GRUMPY CAT LIMITED  
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**DECLARATION OF JAKE A. CAMARA**

I, Jake A. Camara, declare as follows:

1. I am an attorney at law duly licensed to practice in the State of California and am an associate with the law firm Lavelly & Singer Professional Corporation, attorneys for Plaintiff Grumpy Cat Limited ("Plaintiff") herein. I am also familiar with the bills submitted to Plaintiff in this matter. I have personal and firsthand knowledge of the matters set forth in this declaration and, if called and sworn as a witness, I could and would testify competently thereto under oath.

2. A true and correct copy of the invoice from Litigations Illustrated is attached hereto as Exhibit "A."

3. As shown on the invoice, the total cost of Mr. Botwin's services totaled \$25,036 (\$6,000 retainer, plus \$19,036 outstanding).

4. Mr. Botwin has over twenty-three years of trial graphics experience, and his services were instrumental and reasonably necessary to assist the Jury and this Court in understanding the complex issues at trial.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.

Executed this 22nd day of June, 2018, at Los Angeles, California.

/s/ Jake A. Camara  
JAKE A. CAMARA

# EXHIBIT A

**Invoice**

Date	Invoice #
1/30/2018	11198

Portfolio Online At: [www.trialart.com](http://www.trialart.com)  
DAVE@TRIALART.COM (818) 789-GRFX (818) 789-5479<sup>fax</sup>

5024 Rubio Ave  
Encino, Ca 91436

Bill To
Lavelly & Singer Attn: Martin Singer, Esq 2049 Century Park East, Suite 2400

P.O. Number	Terms
	Due on receipt

Quantity	Item Code	Serviced	Description	Price Each	Amount
2.5	Trial Prep	12/19/2017	Trial Preparation Work - Meet at Lavelly & Singer Office with D. Jonelis to discuss case preparation. Download first batch of documents to prepare for use at trial	150.00	375.00
2.5	Trial Prep	12/20/2017	Trial Preparation Work - Receive second batch of exhibits as PDF. Convert from PDF to TIFF files to use in Trial Software. Rotate images as needed. Convert some overly large images to smaller sizes.	150.00	375.00
5	Trial Prep	12/21/2017	Trial Preparation Work - Continue converting PDF exhibits to be used in trial. Had issues with Excel 'Live' files received as exhibits from Def. Files were ridiculously large and unusable. Created several options to convert the excel files to make them usable and e-mail David Jonelis to determine best solution for use at trial.	150.00	750.00
1.5	Trial Prep	12/22/2017	Trial Preparation Work - 11.15 phone call with D. Jonelis to discuss trial preparation. Work on Excel conversion to exhibits. Review complaint and cross complaint.	150.00	225.00
7.5	Graphics	12/23/2017	Graphics Work - Create 17 Slides for Demonstrative Series for "Intent".	150.00	1,125.00
10	Graphics	12/27/2017	Graphics Work - Create 32 Slides for Demonstrative Series "Accounting". Email Draft for review.	150.00	1,500.00
2.5	Graphics	1/10/2018	Graphics Work - Receive materials from Jake to create Demonstrative series for "Approvals"	150.00	375.00
9.5	Graphics	1/11/2018	Graphics Work - Create 17 slides for Demonstrative series "Approvals". Send First Draft. Receive first set of revisions for Approvals. Create Demonstratives for "Exhibit 13". Receive new exhibits. Add to trial database.	150.00	1,425.00
13.5	Trial Prep	1/12/2018	Trial Preparation Work - Meeting Lavelly & Singer at 11:15. Review Demonstratives.	150.00	2,025.00
75	Prints	1/12/2018	Graphics Print - Print 75 slides for Meeting at Lavelly & Singer to Review graphics	1.00	75.00
<b>Total</b>					

**Invoice**

Date	Invoice #
1/30/2018	11198

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DAVE@TRIALART.COM (818) 789-GRFX (818) 789-5479<sup>fax</sup>

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Encino, Ca 91436

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	Due on receipt

Quantity	Item Code	Serviced	Description	Price Each	Amount
3.5	Trial Prep	1/13/2018	Trial Preparation Work - Phone call at 2pm to discuss trial graphics. Rename, convert and load additional documents not yet designated as exhibits. 3rd round of revisions to Intent and Approval demonstratives. Rename and Renumber final slides chosen	150.00	525.00
2.5	Courtroom Setup	1/14/2018	Prepare and pack all equipment to be used in courtroom and war room. Not knowing technology in courtroom had to pack up everything to be prepared on site.	150.00	375.00
2.5	Graphics	1/15/2018	Graphics Work - Create first draft of Demonstratives for Derivative	150.00	375.00
18	Trial Prep	1/16/2018	Trial Preparation Work - Travel to courthouse to meet attorneys at noon. At courthouse till 6pm. Create counter graphics for Kia. Prepare Trial scripts for Tabitha, Ben, Bryan and Kia - Create callouts and presentations to follow scripts. Scan exhibits.	150.00	2,700.00
200	Prints	1/16/2018	Graphics Print - Print 200 pages of new exhibits and demonstratives.	1.00	200.00
1	Parking	1/16/2018	Parking Fees at Courthouse - Had to park in building behind courthouse	20.00	20.00
18	Trial Presentation	1/17/2018	Trial Presentation Work - At court at 6:30 am to setup trial equipment for courtroom. Direct examination of Tabitha. Direct Exam of Ben. After court sent social media content from Kia's office. Convert social media to be able to use in trial system. Crop all Social media snippets to display properly. Add names to bottom of all Social Media to keep organized.	150.00	2,700.00
500	Prints	1/17/2018	Graphics Print - Print copies of all the social media. As well as revised demonstratives.	1.00	500.00
1	Parking	1/17/2018	Parking Fees at Courthouse	7.00	7.00
<b>Total</b>					



**Invoice**

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1/30/2018	11198

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Encino, Ca 91436

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Lavelly & Singer Attn: Martin Singer, Esq 2049 Century Park East, Suite 2400

P.O. Number	Terms
	Due on receipt

Quantity	Item Code	Serviced	Description	Price Each	Amount
24	Trial Presentation	1/18/2018	Trial Presentation Work - Full Day at court. Direct exam of Kia. Cross exam of Nick and Paul Sandford. At court from 7.15am till 10.30pm. Go from court to Hotel. Setup war room in upstairs lounge. Create demonstratives for Expert Witness. Create script for expert witness cross examination. Create Script for Closing. Work at hotel all night.	150.00	3,600.00
1	Parking	1/18/2018	Parking Fees at Courthouse	7.00	7.00
250	Prints	1/18/2018	Graphics Print - Print Slides and Script for Expert exam. Print Expert Demonstratives. Print slides for closing	1.00	250.00
11	Trial Presentation	1/19/2018	Trial Presentation Work - Full Day at court. Finish Sandford Cross. Cross of Expert Witness. Stay at court to complete jury instructions.	150.00	1,650.00
1	Parking	1/19/2018	Parking Fees at Courthouse	7.00	7.00
2.5	Trial Prep	1/20/2018	Trial Preparation Work - Review final of jury instructions and create notes and comments for closing.	150.00	375.00
11	Trial Prep	1/21/2018	Trial Preparation Work - Travel to Hotel and setup war room in conference room. Setup Projector and screen for closing practice. Finish final changes to closing script at 3am.	150.00	1,650.00
188	Prints	1/21/2018	Graphics Print - Print closing scripts and closing slides for exchange	1.00	188.00
11	Trial Presentation	1/22/2018	Trial Presentation Work - Full day at court. Closing arguments. Pack up courtroom equipment and clear out courtroom. Jury deliberation and decision	150.00	1,650.00
1	Parking	1/22/2018	Parking Fees at Courthouse	7.00	7.00
1	Memo	1/3/2018	Receive Retainer Check for Trial	-6,000.00	-6,000.00
<b>Total</b>					<b>\$19,036.00</b>